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Attorneys for Defendant  
JOHN J. COTA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JOHN J. COTA  
and  
FLEET MANAGEMENT, INC.,  
  
Defendants.

Case No. CR 08-0160 SI

**DEFENDANT JOHN J. COTA'S NOTICE  
OF MOTION AND MOTION TO  
CHANGE VENUE OR  
ALTERNATIVELY, FOR SPECIAL JURY  
SELECTION PROCEDURES**

Date: September 22, 2008  
Time: 11:00 am  
Judge: Honorable Susan Illston

Speedy Trial Act; Excludable Time Through  
Disposition, 18 U.S.C. § 3161(h)(1)(F)

**TO UNITED STATES ATTORNEY JOSEPH P. RUSSONIELLO:**

**PLEASE TAKE NOTICE** that at 11:00 a.m. on September 19, 2008 or as soon thereafter as  
counsel may be heard in the above entitled Court, Defendant JOHN J. COTA ("Captain Cota") will  
and hereby does move this Court for an order to change venue or alternatively, for special jury

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DEFENDANT JOHN J. COTA'S NOTICE OF MOTION AND MOTION TO CHANGE VENUE  
OR ALTERNATIVELY, FOR SPECIAL JURY SELECTION PROCEDURES  
CR 08-0160 SI

1 selection procedures, in this matter pursuant to Rule 12(b)(2) and (3) of the Federal Rules of  
2 Criminal Procedure. Specifically, Captain Cota seeks a change of venue or alternatively, for special  
3 jury selection procedures based on the grounds that there has been overwhelming prejudicial  
4 publicity in the Bay Area regarding this incident making it difficult, if not impossible for him to  
5 receive a fair trial before an unbiased jury.

6 This motion is based on this Notice of Motion and Motion, the attached Affidavit of Craig  
7 New and exhibits in support thereof, the complete files and records in this matter, and upon such  
8 other matters as may be presented to the Court at the time of the hearing.

9 Respectfully submitted,

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11 DATED: August 18, 2008.

KIRKPATRICK & LOCKHART  
PRESTON GATES ELLIS LLP

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14 By: /s/ Jeffrey L. Bornstein

15 Jeffrey L. Bornstein, Esq.  
16 Barry M. Hartman, Esq., *Admitted Pro Hac Vice*  
17 Luke G. Anderson Esq.  
18 Christopher R. Tate, Esq., *Pro Hac Vice pending*

19 Attorneys for Defendant  
20 JOHN J. COTA  
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